

House File 2425 - Introduced

HOUSE FILE 2425

BY H. MILLER

A BILL FOR

1 An Act establishing a sentencing commission.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 216A.131, Code 2016, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 2A. "*Commission*" means the sentencing
4 commission.

5 Sec. 2. Section 216A.133A, subsection 2, Code 2016, is
6 amended by striking the subsection.

7 Sec. 3. Section 216A.133A, subsection 3, paragraph a,
8 subparagraphs (6) and (7), Code 2016, are amended by striking
9 the subparagraphs.

10 Sec. 4. NEW SECTION. 216A.140A **Sentencing commission.**

11 1. a. A sentencing commission is established within the
12 division. The commission shall consist of the following nine
13 voting members:

14 (1) The chief justice of the supreme court or the chief
15 justice's designee.

16 (2) One judge of the court of appeals appointed by the chief
17 judge of the court of appeals.

18 (3) One district judge appointed by the judicial council.

19 (4) One county attorney appointed by the governor upon
20 recommendation by the Iowa county attorneys association.

21 (5) One public defender appointed by the governor upon the
22 recommendation by the state public defender.

23 (6) One probation or parole officer appointed by the
24 governor.

25 (7) Three members of the public appointed by the governor,
26 one of whom shall be a victim of a crime classified as a felony.

27 b. The commission shall include two members of the general
28 assembly who shall serve as ex officio, nonvoting members. The
29 legislative members shall be appointed as follows:

30 (1) One member of the senate appointed by the majority
31 leader of the senate.

32 (2) One member of the house of representatives appointed by
33 the speaker of the house of representatives.

34 2. Notwithstanding section 7E.6, nonlegislative members
35 shall only receive reimbursement for actual expenses for

1 performance of their official duties as members of the
2 commission. Members of the general assembly shall not receive
3 a per diem but shall receive reimbursement for necessary travel
4 and actual expenses incurred in the performance of their
5 official duties.

6 3. a. The initial term of a member appointed by the
7 governor pursuant to subsection 1, paragraph "a", subparagraphs
8 (4), (5), and (6), shall be four years, and after the initial
9 term has been served, the appointment shall be for a term of
10 four years.

11 b. The initial term of a member appointed by the governor
12 pursuant to subsection 1, paragraph "a", subparagraph (7),
13 shall be two years, and after the initial term has been served,
14 the appointment shall be for a term of four years.

15 4. One member shall be designated by the governor as the
16 chairperson.

17 5. The commission may act or make recommendations only
18 upon a vote of a majority of the voting membership of the
19 commission.

20 6. a. The commission shall be charged with developing,
21 implementing, and administering felony sentencing guidelines
22 for use by the courts throughout the state.

23 b. The sentencing guidelines shall be discretionary but
24 shall provide a judge with a range of recommended sentencing
25 options.

26 7. The commission shall develop and conduct sentencing
27 guideline education seminars and prepare research related but
28 not limited to the following:

29 a. Risk assessments.

30 b. Recidivism.

31 c. Probation and parole violations.

32 8. The commission shall review the costs associated with
33 the implementation of new or amended criminal code provisions,
34 including costs to the judicial branch, department of
35 corrections, and judicial district departments of correctional

1 services, costs for representing indigent defendants, and costs
2 incurred by political subdivisions of the state.

3 9. The commission may call upon any department, agency, or
4 office of the state, or any political subdivision of the state,
5 for information or assistance as needed in the performance of
6 its duties. The information or assistance shall be furnished
7 to the extent that it is within the resources and authority
8 of the department, agency, office, or political subdivision.
9 This section does not require the production or opening of
10 any records which are required by law to be kept private or
11 confidential.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with
14 the explanation's substance by the members of the general assembly.

15 This bill establishes a sentencing commission.

16 The membership of the sentencing commission shall consist
17 of the following nine voting members: the chief justice of
18 the supreme court or the chief justice's designee; one judge
19 of the court of appeals appointed by the chief judge of the
20 court of appeals; one district judge appointed by the judicial
21 council; one county attorney appointed by the governor upon
22 recommendation by the Iowa county attorneys association; one
23 public defender appointed by the governor upon recommendation
24 by the state public defender; one probation or parole officer
25 appointed by the governor; and three members of the public
26 appointed by the governor, one of whom shall be a victim of a
27 crime classified as a felony. The commission shall include two
28 members of the general assembly who shall serve as ex officio,
29 nonvoting members, and who shall be appointed as follows:
30 one member of the senate appointed by the majority leader of
31 the senate, and one member of the house of representatives
32 appointed by the speaker of the house of representatives. The
33 bill provides that the initial term of members appointed by the
34 governor shall be staggered, and after the initial term has
35 been served, the appointment shall be for a term of four years.

1 The bill provides that nonlegislative members shall only
2 receive reimbursement for actual expenses for performance
3 of their official duties as members of the commission.
4 Legislative members shall not receive a per diem under the
5 bill, but legislative members shall receive reimbursement
6 for necessary travel and actual expenses incurred in the
7 performance of their official duties.

8 The bill specifies that a member of the commission shall be
9 designated by the governor as the chairperson.

10 The bill provides that the commission shall be charged with
11 developing, implementing, and administering felony sentencing
12 guidelines for use by the courts throughout the state. The
13 sentencing guidelines shall be discretionary but shall provide
14 a judge with a range of recommended sentencing options.

15 The bill requires the commission to develop and conduct
16 sentencing guideline education seminars and prepare research
17 related to but not limited to the following: risk assessments,
18 recidivism, and probate and parole violations.

19 The bill requires the commission to review the costs
20 associated with the implementation of new or amended criminal
21 code provisions, including costs to the judicial branch,
22 department of corrections, and judicial district departments
23 of correctional services, costs for representing indigent
24 defendants, and costs incurred by political subdivisions of the
25 state.

26 The bill transfers duties relating to the study of
27 recidivism and the review of costs associated with the
28 implementation of criminal code provisions from the public
29 safety advisory board established in Code section 216A.133 to
30 the commission.

31 The bill also permits the commission to call upon any
32 department, agency, or office of the state, or any political
33 subdivision of the state for assistance in the performance of
34 any of the duties of the commission.